

Notice of Allowability

Application No.

10/074,132

Examiner

Donald Heckenberg

Applicant(s)

ANSELL ET AL.

Art Unit

1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 19 May 2006.
2. ☒ The allowed claim(s) is/are 51,53-59,61 and 62.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>062006</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Art Unit: 1722

1. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this Examiner's Amendment was given in a telephone interview with Joseph Kincart (Applicant's Representative) on 19 June 2006.

IN THE CLAIMS

In Claim 51, "depression or" at line 14 has been deleted.

In Claim 51, "depression or" at line 17 has been deleted.

Claim 52 has been cancelled.

In Claim 53, "depression or" at line 1 has been deleted.

In Claim 54, "depression or" at line 1 has been deleted.

2. The following is an Examiner's statement of reasons for allowance:

Art Unit: 1722

The prior art of record fails to teach or suggest a mold for forming a contact lens as defined in the claims of the instant application. The prior art is demonstrated Su et al. (U.S. Pat. No. 5,574,554); Crowe, Jr. et al. (U.S. Pat. No. 5,975,875); and Doke et al. (U.S. Pat. No. 6,071,111).

Su and Crowe both disclose apparatus for making contact lenses as described in the previous Office Actions. Notably, both references include a protrusion on a flange structure of the mold portions in order to delineate an overflow collector for the apparatus (see Doke, Fig. 17; Su, Fig. 13). Neither of the references, however, teaches or suggests the protrusion not to be present around the entire circumference of the flange on which it is formed.

Crowe also a mold device for making contact lenses as is described in the previous Office Actions. Notably, Crowe discloses a protrusion/tooth (72) extending from the flange of the one of the mold portions in order to promote adhesion to excess polymer during the demolding operation (cl. 5, ll. 57-61). The protrusion/tooth is not present about the entire circumference of the flange. The reference, however, places the protrusion on the flange of the convex portion of the molding apparatus, as opposed to placement on the flange of the concave molding portion as is defined in the claims of the instant

Art Unit: 1722

application. Moreover, given the purpose of the protrusion/tooth to adhere to excess polymer ring during demolding, the reference appears to teach away from any suggestion of placement of the protrusion on the other mold portion. Still further, the reference fails to contain any teaching or suggestion of the placement of the protrusion being about 1.0 mm to about 1.5 mm as defined in the claims of the instant application.

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald Heckenberg whose telephone number is (571) 272-1131. The examiner can normally be reached on Monday through Friday from 9:30 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Yogendra Gupta, can be reached at (571) 272-1316. The official fax phone number for

Art Unit: 1722

the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <<<http://pair-direct.uspto.gov>>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).


Donald Meckenberg
Primary Examiner
A.U. 1722

6-19-6